

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LUIS MARTINEZ,

Plaintiff,

-against-

MERCHANTS NATIONAL PROPERTIES, d/b/a  
MARX REALTY, LLC,

Defendant.

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Civil Action No.  
1:24-CV-05531

**STIPULATION AND  
ORDER OF  
VOLUNTARY  
DISMISSAL PURSUANT  
TO FRCP 41**

**WHEREAS** at the time of filing the above action on July 22, 2024 Plaintiff alleged, upon information and belief, that the Court had subject matter jurisdiction based upon complete diversity of the parties' citizenship;

**WHEREAS** at the time of filing of the Action on July 23, 2024 Plaintiff was a resident of the State of New York;

**WHEREAS** defendant MERCHANTS NATIONAL PROPERTIES, INC. named hererin as "MERCHANTS NATIONAL PROPERTIES" principal offices at the time of filing of the action on July 23, 2024, were in the City and State of New York;

**WHEREAS** it now appears that subject matter jurisdiction pursuant to 28 U.S.C. § 1332 is absent due to Plaintiff's and defendant MERCHANTS NATIONAL PROPERTIES, INC.'s common citizenship; it is hereby jointly

**STIPULATED AND AGREED**, that pursuant to FRCP 41(a)(1)(A(ii)), this action is hereby voluntarily withdrawn without prejudice and without costs or disbursements to any party.

This Stipulation can be executed in counterparts by electronic means.

Dated: New York, NY

September 20, 2024

**GERBER CIANO KELLY BRADY LLP**  
**Attorneys for defendant**

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By  \_\_\_\_\_

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SO ORDERED:

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U.S.D.J.